

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROBOCAST, INC.,

Plaintiff,

v.

YOUTUBE, LLC and
GOOGLE LLC,

Defendants.

C.A. No. 22-0304-JLH-CJB

STIPULATION AND ~~PROPOSED~~ ORDER

WHEREAS, on February 21, 2025, the Court issued a memorandum order in *Robocast, Inc. v. Netflix, Inc.*, C.A. No. 1:22-cv-00305-JLH-CJB (“Netflix Action”), finding claims 1, 25, 38, and 41 of U.S. Patent No. 7,155,451 (“’451 Patent”), claim 1 of U.S. Patent No. 8,606,819 (“’819 Patent”), and claims 1, 13, 25, 27, and 31 of U.S. Patent No. 8,965,932 (“’932 Patent”) invalid under 35 U.S.C. § 101 on summary judgment (“Netflix Summary Judgment Ruling”).

WHEREAS, in view of the Netflix Summary Judgment Ruling, final judgment against Robocast was entered in the Netflix Action on March 13, 2025.

WHEREAS, Robocast disagrees with the Netflix Summary Judgment Ruling and intends to appeal the final judgment in the Netflix Action to the Court of Appeals for the Federal Circuit.

WHEREAS, claims 1, 25 and 41 of the ’451 Patent; claim 1 of the ’819 Patent; and claim 25 of the ’932 Patent addressed in the Netflix Summary Judgment Ruling are presently asserted against Defendants in this case; two additional claims from the ’451 Patent asserted in this case, (claims 37 of and 39) are independent claims from which dependent claims were found invalid by the Court in the Netflix Summary Judgment Ruling (claims 38 and 41, respectively); and one

additional claim from the '932 Patent asserted in this case (claim 29) is a dependent claim from which dependent claim 31 was found invalid by the Court in the Netflix Summary Judgment Ruling. Claims 1, 25, 37, 39 and 41 of the '451 Patent, claim 1 of the '819 Patent, and claims 25 and 29 of the '932 Patent are herein collectively referred to as the "Overlapping Claims";

WHEREAS, Google and YouTube believe that the Netflix Summary Judgment Ruling should apply to all the asserted claims in this case;

WHEREAS, Robocast disagrees that the Netflix Summary Judgment Ruling should apply to all the asserted claims in this case;

WHEREAS, the parties present this stipulation to narrow the issues in dispute before the Court.

NOW, THEREFORE, the parties hereby stipulate, subject to the Court's approval, as follows:

1. The Court's determination in the Netflix Summary Judgment Ruling that the Overlapping Claims are invalid under 35 U.S.C. § 101 applies to the Overlapping Claims in this case.

2. This stipulation preserves, i.e. does not waive or otherwise affect, Robocast's right to appeal the determination that the Overlapping Claims are invalid under 35 U.S.C. § 101 on any grounds in this case or the Netflix Action, and preserves, i.e. does not waive or otherwise affect, Google's and YouTube's rights to participate in any such appeal.

3. In view of this stipulation, the claims remaining in this case to be adjudicated are claim 29 of the '451 Patent; claims 4, 13, 16, 22, 26 and 27 of the '819 Patent; and claims 4, 12, 19, 46 and 48 of the '932 Patent ("Non-overlapping Claims").

4. Defendants intend to file a summary judgment motion on the issue of invalidity under 35 U.S.C. § 101 pursuant to the Court's order of April 2, 2025 (D.I. 329) with respect to the Non-overlapping Claims. The parties agree to include invalidity of the Overlapping Claims in view of the Netflix Summary Judgment Ruling in any final judgment.

5. Nothing in this stipulation impacts the parties' rights with respect to the Non-overlapping Claims; specifically, Robocast preserves all grounds to oppose Defendants' summary judgment motion with respect to the Non-overlapping Claims.

Dated: April 21, 2025

BAYARD, P.A.

/s/ Ronald P. Golden III
Stephen B. Brauerman (#4952)
Ronald P. Golden III (#6254)
600 N. King Street, Suite 400
Wilmington, DE 19801
Tel.: (302) 655-5000
sbraerman@bayardlaw.com
rgolden@bayardlaw.com

HENSCHKE LAW, PLLC

Marc Henschke
77 Spring Road
Concord, MA 01742
Tel.: (617) 686-0646
marc.henschke@henschkelaw.com

MCKOOL SMITH, P.C.

Steven Rizzi (*pro hac vice*)
Laura Baron (*pro hac vice*)
Grant Johnson (*pro hac vice*)
Mariel Talmage (*pro hac vice*)
1301 Sixth Avenue, 32nd Floor
New York, NY 10019
Tel.: (212) 402-9400
srizzi@McKoolSmith.com

RICHARDS, LAYTON & FINGER, P.A.

/s/ Christine D. Haynes
Frederick L. Cottrell, III (#2555)
Christine D. Haynes (#4697)
One Rodney Square
920 North King Street
Wilmington, DE 19801
Tel: (302) 651-7700
cottrell@rlf.com
haynes@rlf.com

Jordan R. Jaffe
Catherine Lacey
**WILSON SONSINI GOODRICH &
ROSATI, P.C.**
One Market Plaza, Suite 330
San Francisco, CA 94105-1126

Neil Desai
**WILSON SONSINI GOODRICH &
ROSATI, P.C.**
953 E. 3rd St., Suite #100
Los Angeles, CA 90013

**ATTORNEYS FOR DEFENDANTS
YOUTUBE, LLC AND GOOGLE LLC**

lbaron@mckoolsmith.com
gjohnson@McKoolSmith.com
mtalimage@McKoolSmith.com

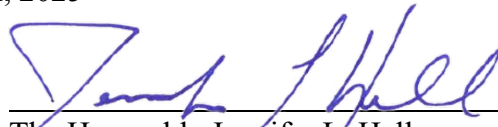
Ramy E. Hanna (DE Bar Id# 5494)
600 Travis Street, Suite 7000
Houston, Texas 77002
Tel: (713) 485-7344
rhanna@McKoolSmith.com

Jennifer Truelove (*pro hac vice*)
104 East Houston Street, Suite 300
Marshall, TX 75670
Tel.: (903) 923-9000
jtruelove@mckoolsmith.com

Stephen Udick (*pro hac vice*)
Samuel L. Moore (*pro hac vice*)
Joseph Micheli (*pro hac vice*)
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Tel.: (214) 978-4000
sudick@McKoolSmith.com
cshomaker@McKoolSmith.com
smoore@McKoolSmith.com
jmicheli@McKoolSmith.com

***ATTORNEYS FOR PLAINTIFF
ROBOCAST, INC.***

SO ORDERED this 23rd day of April, 2025



The Honorable Jennifer L. Hall
United States District Judge